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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,954	03/01/2004	Shiping Wang	GL-6115DIV	6669
7590 Allegiance Corporation Attn: Kim Luna KB-1A 1430 Waukegan Road McGaw, IL 60083		08/06/2007	EXAMINER AUGHENBAUGH, WALTER	
			ART UNIT 1772	PAPER NUMBER
			MAIL DATE 08/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/788,954

Applicant(s)

WANG ET AL.

Examiner

Walter B. Aughenbaugh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-17, 19, 20 and 22-28 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-17 and 22-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/16/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgement of Applicant's Amendments

1. The amendments made in claims 10 and 22-24 in the Amendment filed May 22, 2007 (Amdt. B) have been received and considered by Examiner.
2. The cancellation of claim 18 in Amdt. B has been acknowledged by Examiner.
3. New claims 25-28 presented in Amdt. B have been received and considered by Examiner.
4. The amendments made in the abstract in Amdt. B have been received and considered by Examiner.

Election/Restrictions

5. This application contains claims 19 and 20 drawn to an invention nonelected with traverse in the reply filed on July 27, 2006. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

WITHDRAWN OBJECTION

6. The objection to claims 18 and 23 made of record in paragraph 6 of the previous Office Action mailed September 7, 2006 has been withdrawn due to Applicant's cancellation of claim 18 in Amdt. B and due to Applicant's replacement of "18" with --22-- in claim 23 in Amdt. B.

REPEATED OBJECTION

Specification

7. The objection to the abstract made of record in paragraph 3 of the previous Office Action mailed September 7, 2006 has been repeated for the reasons previously made of record: phrases

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which can be implied (such as “The invention disclosed herein relates to” [line 1]) should be avoided. MPEP 608.01(b). The bases for objection regarding the first nine lines of the abstract being directed to a process and the use of legal phraseology have been withdrawn due to Applicant’s amendments in the abstract in Amdt. B.

NEW OBJECTION

Specification

8. The abstract of the disclosure is objected to because the abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art. MPEP § 608.01(b). The new sentence “The process provides for significantly reduced... than conventionally used).” (lines 8-9) refers to purported merits of the invention and compares the invention with the prior art.

Correction is required. See MPEP § 608.01(b).

WITHDRAWN REJECTIONS

9. The 35 U.S.C. 112 rejection of claims 10 and 24 made of record in paragraph 8 of the previous Office Action mailed September 7, 2006 has been withdrawn due to Applicant’s amendments in Amdt. B.

10. The 35 U.S.C. 102 rejection of claims 23 and 24 made of record in paragraph 10 of the previous Office Action mailed September 7, 2006 has been withdrawn due to Applicant’s replacement of “18” with --22-- in claim 23 in Amdt. B, and due to Applicant’s replacement of “19” with --23-- in claim 24 in Amdt. B.

REPEATED REJECTIONS

Claim Rejections - 35 USC § 112

11. The 35 U.S.C. 112 rejection of claims 16, 17 and 23 made of record in paragraph 8 of the previous Office Action mailed September 7, 2006 has been repeated for the reasons previously made of record in the fourth paragraph of page 4 of the previous Office Action mailed September 7, 2006 (the bases for rejection of claims 16 and 17 in the third paragraph of page 4, and of claim 23 in the fifth paragraph of page 4, are withdrawn due to Applicant's amendments in Amdt. B).

Claim Rejections - 35 USC § 102

12. The 35 U.S.C. 102 rejection of claims 10, 16 and 17 made of record in paragraph 10 of the previous Office Action mailed September 7, 2006 has been repeated for the reasons previously made of record.

Claim Rejections - 35 USC § 103

13. The 35 U.S.C. 103 rejection of claims 11-14 and 22 made of record in paragraph 12 of the previous Office Action mailed September 7, 2006 has been repeated for the reasons previously made of record.

14. The 35 U.S.C. 103 rejection of claim 15 made of record in paragraph 13 of the previous Office Action mailed September 7, 2006 has been repeated for the reasons previously made of record.

NEW REJECTIONS

15. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

16. Claims 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by McKay et al. (USPN 5,869,591).

In regard to claim 26, McKay et al. teach the glove as discussed in paragraph 10 of the previous Office Action mailed September 7, 2006 in regard to claim 10. McKay et al. also teach that the curing system that comprises a dithiocarbamate compound, a thiazole compound and a guanidine compound is provided in an amount of from 0.5 to 12 weight percent (col. 13, lines 21-30), an amount that overlaps with the amounts claimed in claim 18 for each of the compounds relative to the amount of polyisoprene.

In regard to claims 27 and 28, McKay et al. teach the glove as discussed in paragraph 10 of the previous Office Action mailed September 7, 2006 in regard to claim 10. All structural and compositional recitations of claims 27 and 28 are identified in the 35 U.S.C. 102 rejection of claim 10 of record.

Claim Rejections - 35 USC § 103

17. Claim 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay et al. (USPN 5,869,591) in view of Ozawa et al. (USPN 6,187,857).

McKay et al. and Ozawa et al. teach the glove as discussed in paragraph 12 of the previous Office Action mailed September 7, 2006 in regard to claim 22.

In regard to claim 23, the recitation "wherein said polyisoprene latex is further formulated with a milk protein salt" has not been given patentable weight since the recitation "formulated with a milk protein salt", which refers the recitation of claim 22 that recites "said glove being prepared from a polyisoprene latex formulated with an accelerator composition...",

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does not require that the final product of claim 23 comprises a milk protein salt: recitation that a latex is “formulated with” a compound does not require that the article that is “prepared from” the latex comprises that compound in its final form).

In regard to claim 24, the recitation “wherein said formulated latex composition is stable to storage for up to at least about 7 days prior to its use in the dipping and curing process” has not been given patentable weight since this recitation is directed to a characteristic of an intermediate product of the claimed glove, and not to the glove itself in its final form, since this recitation is directed to the composition “prior to its use in the dipping and curing process”, and therefore does recite any characteristic of the glove in its final form.

Claim 25 has not been given patentable weight since claim 25 limits the milk protein salt recited in claim 23, which has not been given patentable weight for the reasons provided above in regard to claim 23.

Response to Arguments

18. Applicant’s arguments presented on pages 9-10 of Amdt. B regarding the 35 U.S.C. 112 rejection of claims 16, 17 and 23 have been fully considered but are not persuasive.

While Applicant appears to admit in these arguments that the milk protein salt is not a component of the final product of claims 16, 17 and 23 (without an explicit admission), the rejection has been maintained because it cannot be ascertained whether or not milk protein salts would be considered to be “water-soluble additives” (page 10 of Amdt. B), and Applicant’s statement that “[o]ne of ordinary skill in the art understands that [the leaching step] functions to remove water-soluble additives from the formed article” is unsupported. The Office Action does

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not state that “the presence or absence of the milk protein salt or the sodium caseinate in the final product is germane to patentability of the claims” as Applicant suggests on page 10 of Amdt. B.

19. Applicant’s arguments presented on pages 10-13 of Amdt. B regarding the 35 U.S.C. 102 rejection have been fully considered but are not persuasive.

A polymer that includes isoprene is a polyisoprene, regardless of whether it is a homopolymer of isoprene or a copolymer (interpolymer) that includes isoprene. The claim term “polyisoprene” does not limit a claim to a homopolymer of isoprene.

Claim 18 is cancelled, so Applicant’s arguments regarding claim 18 are moot.

Applicant characterizes claim 10 as “a process claim” in the third full paragraph of page 12 of Amdt. B. Claim 10 is not a process claim, it is a product by process claim. Only the structural and compositional limitations that are implied or result from process limitations in product by process claims are treated by the Office (in addition to structural and compositional limitations, apart from process limitations). Applicant states that claim 24 depends upon claim 10, but it depends upon claim 23. The recitation “wherein said formulated latex composition is stable to storage for up to at least about 7 days prior to its use in the dipping and curing process” has not been given patentable weight since this recitation is directed to a characteristic of an intermediate product of the claimed glove, and not to the glove itself in its final form, since this recitation is directed to the composition “prior to its use in the dipping and curing process”, and therefore does recite any characteristic of the glove in its final form.

A polymer that includes isoprene is a polyisoprene, regardless of whether it is a homopolymer of isoprene or a copolymer (interpolymer) that includes isoprene. The claim term “polyisoprene” does not limit a claim to a homopolymer of isoprene.

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20. Applicant's arguments presented on pages 13-14 of Amdt. B regarding the 35 U.S.C. 103 rejection of claims 11-14 and 22 have been fully considered but are not persuasive.

A polymer that includes isoprene is a polyisoprene, regardless of whether it is a homopolymer of isoprene or a copolymer (interpolymer) that includes isoprene. The claim term "polyisoprene" does not limit a claim to a homopolymer of isoprene.

21. Applicant's arguments presented on pages 14-16 of Amdt. B regarding the 35 U.S.C. 103 rejection of claim 15 have been fully considered but are not persuasive.

A polymer that includes isoprene is a polyisoprene, regardless of whether it is a homopolymer of isoprene or a copolymer (interpolymer) that includes isoprene. The claim term "polyisoprene" does not limit a claim to a homopolymer of isoprene.

One of ordinary skill in the art would have recognized to have looked to Pollack for a teaching of suitable dithiocarbamate accelerators for the production of elastomeric articles since Pollack pertains to elastomeric articles formed using a dithiocarbamate accelerator.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

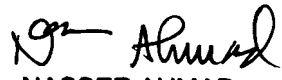
23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter B. Aughenbaugh whose telephone number is (571) 272-1488. While the examiner sets his work schedule under the Increased Flexitime Policy, he can normally be reached on Monday-Friday from 8:45am to 5:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Walter B. Aughenbaugh
8/01/07

WBA


NASSER AHMAD
PRIMARY EXAMINER 8/2/07